

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NICOLE FORNI,	:	Case No. 1:14-cv-01070-DCN
	:	
Plaintiff,	:	Judge Donald C. Nugent
	:	
v.	:	
	:	
JOSHUA RESNICK, <i>et al.</i>	:	
	:	
Defendants.	:	
	:	

**DEFENDANT AMAZON.COM, INC.'S ANSWER AND
ADDITIONAL DEFENSES TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendant Amazon.com, Inc. ("Amazon"), by and through its counsel, hereby answers the Complaint of Plaintiff Nicole Forni ("Plaintiff") as follows:

PARTIES AND JURISDICTION

1. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 1 of the Complaint.
2. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 2 of the Complaint.
3. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 3 of the Complaint.
4. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 4 of the Complaint.

5. Amazon admits that books are sold through the Amazon website. Amazon admits that its principal place of business is in Seattle, Washington. Except as expressly admitted herein, Amazon denies each and every allegation of Paragraph 5 of the Complaint.

6. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 6 of the Complaint.

7. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 7 of the Complaint.

8. Amazon admits that third-parties sell books by an author who goes by the name "Emma Nichols" through the Amazon website. Amazon denies that it knows the address or real name of the author who goes by Emma Nichols Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 8 of the Complaint.

9. Amazon denies that it knows the address or real name of the author who goes by Lexi Hunt. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 9 of the Complaint.

10. Amazon denies that it knows the address or real name of the author who goes by Anni Ray. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 10 of the Complaint.

11. Amazon admits that third-parties sell books by an author "Ava Griffin" through the Amazon website. Amazon denies that it knows the address or real name of the author who goes by Ava Griffin. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 11 of the Complaint.

12. Amazon denies that it knows the address or real name of the author who goes by T.C. Avery. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 12 of the Complaint.

12. Amazon denies that it knows the address or real name of the author who goes by Peach Madison. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 12 of the Complaint

13. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 13 of the Complaint.

14. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 14 of the Complaint.

15. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 15 of the Complaint.

16. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 16 of the Complaint.

17. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 17 of the Complaint.

18. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 18 of the Complaint.

19. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 19 of the Complaint.

20. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 20 of the Complaint.

21. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 21 of the Complaint.

22. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 22 of the Complaint.

23. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 23 of the Complaint.

24. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 24 of the Complaint.

24a. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 24a of the Complaint.

24b. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 24b of the Complaint.

25. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 25 of the Complaint.

26. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 26 of the Complaint.

27. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 27 of the Complaint.

28. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 28 of the Complaint.

29. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 29 of the Complaint.

30. The allegations of paragraph 30 of the Complaint state legal conclusions to which no response is required. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 30 of the Complaint.

31. The allegations of paragraph 31 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 31.

32. The allegations of paragraph 32 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 32.

FACTUAL INTRODUCTION

33. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 33 of the Complaint.

34. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 34 of the Complaint.

35. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 35 of the Complaint.

36. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 36 of the Complaint.

37. Amazon admits that Exhibit A of the First Amended Complaint, a document purporting to be a “Universal Adult Model Release for all Agencies” signed by Plaintiff, contains a global release. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 37 of the Complaint.

38. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 38 of the Complaint.

39. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 39 of the Complaint.

40. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 40 of the Complaint.

41. Amazon admits that third-parties sold books by authors going by the names “Emma Nichols” and “Ava Griffin” through the Amazon website. Except as expressly admitted herein, Amazon denies each and every one of the allegations of Paragraph 41 of the Complaint

directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 41 of the Complaint.

42. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 42 of the Complaint.

43. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 43 of the Complaint.

43a. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 43a of the Complaint.

44. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 44 of the Complaint.

45. Amazon admits that Exhibit B of the First Amended Complaint purports to be a Shutterstock Terms of Service agreement. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 45 of the Complaint.

46. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 46 of the Complaint.

47. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 47 of the Complaint.

48. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 48 of the Complaint.

49. The allegations of paragraph 49 of the Complaint state legal conclusions to which no response is required. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 49 of the Complaint.

50. The allegations of paragraph 50 of the Complaint state legal conclusions to which no response is required. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of Paragraph 50 of the Complaint.

COUNT I – BREACH OF CONTRACT
(DEFENDANT RESNICK)

This count does not state a claim against Amazon and thus no answer is required.
Nevertheless, Amazon avers as follows:

51. Amazon incorporates by reference all paragraphs of this Answer as though fully set forth herein.

52. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 52 of the Complaint.

53. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 53 of the Complaint.

54. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 54 of the Complaint.

COUNT II
FRAUDULENT INDUCEMENT
(DEFENDANT RESNICK)

This count does not state a claim against Amazon and thus no answer is required.
Nevertheless, Amazon avers as follows:

55. Amazon incorporates by reference all paragraphs of this Answer as though fully set forth herein.

56. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 56 of the Complaint.

57. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 57 of the Complaint.

58. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 58 of the Complaint.

59. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 59 of the Complaint.

60. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 60 of the Complaint.

61. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 61 of the Complaint.

COUNT III
FRAUD
(DEFENDANT RESNICK)

This count does not state a claim against Amazon and thus no answer is required.
Nevertheless, Amazon avers as follows:

62. Amazon incorporates by reference all paragraphs of this Answer as though fully set forth herein.

63. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 63 of the Complaint.

64. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 64 of the Complaint.

65. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 65 of the Complaint.

66. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 66 of the Complaint.

67. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 67 of the Complaint.

COUNT IV
THIRD PARTY BENEFICIARY - BEACH OF TOS AGREEMENT
(ALL DEFENDANTS)

68. Amazon incorporates by reference all paragraphs of this Answer as though fully set forth herein.

69. The allegations of paragraph 69 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 69.

70. Amazon denies each and every one of the allegations of Paragraph 70 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 70 of the Complaint directed at any other Defendants.

71. Amazon denies each and every one of the allegations of Paragraph 71 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 71 of the Complaint directed at any other Defendants.

72. Amazon denies each and every one of the allegations of Paragraph 72 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 72 of the Complaint directed at any other Defendants.

73. Amazon denies each and every one of the allegations of Paragraph 73 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 73 of the Complaint directed at any other Defendants.

74. Plaintiff's First Amended Complaint does not contain a paragraph 74.

COUNT V
VIOLATION OF THE LANHAM ACT (15 USC 1051 ET SEQ.)
(ALL DEFENDANTS)

75. Amazon incorporates by reference all paragraphs of this Answer as though fully set forth herein.

76. Amazon denies each and every one of the allegations of Paragraph 76 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 76 of the Complaint directed at any other Defendants.

77. Amazon denies each and every one of the allegations of Paragraph 77 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 77 of the Complaint directed at any other Defendants.

78. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 78 of the Complaint.

79. Amazon denies each and every one of the allegations of Paragraph 79 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil

Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 79 of the Complaint directed at any other Defendants.

80. Amazon denies each and every one of the allegations of Paragraph 80 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 80 of the Complaint directed at any other Defendants.

81. Amazon denies each and every one of the allegations of Paragraph 81 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 81 of the Complaint directed at any other Defendants.

82. Amazon denies each and every one of the allegations of Paragraph 82 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 82 of the Complaint directed at any other Defendants.

83. Amazon denies each and every one of the allegations of Paragraph 83 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 83 of the Complaint directed at any other Defendants.

COUNT VI
OHIO RIGHT OF PUBLICITY IN INDIVIDUAL PERSONA RC 2741.01 ET SEQ.

84. Amazon incorporates by reference all paragraphs of this Answer as though fully set forth herein.

85. The allegations of paragraph 85 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 85.

86. The allegations of paragraph 86 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 86.

87. The allegations of paragraph 87 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 87.

88. The allegations of paragraph 88 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 88.

89. Amazon denies each and every one of the allegations of Paragraph 89 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 89 of the Complaint directed at any other Defendants.

90. Amazon denies each and every one of the allegations of Paragraph 90 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 90 of the Complaint directed at any other Defendants.

91. Amazon denies each and every one of the allegations of Paragraph 91 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil

Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 91 of the Complaint directed at any other Defendants.

92. Amazon denies each and every one of the allegations of Paragraph 92 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 92 of the Complaint directed at any other Defendants.

COUNT VII
PRELIMINARY PERMANENT INJUNCTION FED. R. CIV. 65
(ALL DEFENDANTS)

93. Amazon incorporates by reference all paragraphs of this Answer as though fully set forth herein.

94. The allegations of paragraph 94 of the Complaint state legal conclusions to which no response is required. To the extent that a response is required, Amazon denies the allegations of Paragraph 94.

95. Amazon denies each and every one of the allegations of Paragraph 95 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 95 of the Complaint directed at any other Defendants.

96. Amazon denies each and every one of the allegations of Paragraph 96 of the Complaint directed at Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations of Paragraph 96 of the Complaint directed at any other Defendants.

PLAINTIFF'S DEMANDS FOR RELIEF

Only Counts (4) to (9) purport to state claims against Amazon. Amazon denies that Plaintiff is entitled to any and all of the forms of relief she seeks against Amazon. Pursuant to Rule 8(b)(5) of the Federal Rules of Civil Procedure, Amazon states that it lacks knowledge or information sufficient to form a belief about the truth of whether Plaintiff is entitled to any of the forms of relief she seeks against any other Defendants in Counts (1) to (9).

ADDITIONAL DEFENSES

Further answering the Complaint, Amazon asserts the following additional defenses, without assuming the burden of proof when the burden of proof on any issue would otherwise rest with Plaintiff. Amazon expressly reserves the right to amend its answer and defenses as additional information becomes available and/or is otherwise discovered.

FIRST ADDITIONAL DEFENSE
LICENSE

Plaintiff's claims are barred, in whole or in part, by license. All alleged uses of the photographs at issue were licensed by persons or entities with the right to license such use.

SECOND ADDITIONAL DEFENSE
RELEASE

Plaintiff's claims are barred, in whole or in part, because Plaintiff released and discharged all claims relating to the alleged uses of the photographs at issue that she had or may have had against Amazon.

THIRD ADDITIONAL DEFENSE
AUTHORIZED USE

Plaintiff's claims are barred, in whole or in part, to the extent the alleged uses of the photographs at issue were authorized by persons or entities with the right to authorize such use.

FOURTH ADDITIONAL DEFENSE
COMMUNICATIONS DECENCY ACT

Plaintiff's claims are barred, in whole or in part, under the federal Digital Communications Decency Act at 47 U.S.C. section 230 *et seq.*

FIFTH ADDITIONAL DEFENSE
LACK OF PRIVITY

Plaintiff's claims are barred, in whole or in part, because Amazon lacks privity with the alleged Shutterstock Terms of Service Agreement.

SIXTH ADDITIONAL DEFENSE
FAILURE TO STATE A CLAIM FOR RELIEF

Plaintiff's claims fail to state any claim upon which relief may be granted.

SEVENTH ADDITIONAL DEFENSE
WAIVER, ACQUIESCENCE, LACHES, ESTOPPEL

Plaintiff's claims are barred, in whole or in part, by the doctrines of waiver, acquiescence, laches, and estoppel.

EIGHTH ADDITIONAL DEFENSE
LACK OF PERSONAL JURISDICTION

Plaintiff's claims should be dismissed because the Court lacks personal jurisdiction over Amazon.

NINTH ADDITIONAL DEFENSE
STATUTE OF FRAUDS

Plaintiff's claims are barred, in whole or in part, by Ohio's statute of frauds.

TENTH ADDITIONAL DEFENSE
INDISPENSABLE PARTIES

Plaintiff has failed to name or join all necessary and indispensable parties

ELEVENTH ADDITIONAL DEFENSE
NO DAMAGES

Plaintiff's claims are barred, in whole or in part, to the extent Plaintiff has suffered no damages.

TWELFTH ADDITIONAL DEFENSE
FIRST AMENDMENT

Plaintiff's claims are barred, in whole or in part, under the First Amendment of the United States Constitution.

THIRTEENTH ADDITIONAL DEFENSE
STATUTE OF LIMITATIONS

Plaintiff's claims are barred, in whole or part, by applicable statutes of limitations.

FOURTEENTH ADDITIONAL DEFENSE
RIGHT OF PUBLICITY EXCEPTION

Plaintiff's claims are barred, in whole or in part, because any alleged use of Plaintiff's image or likeness is exempted under Ohio Revised Code § 2741.01 *et seq.*

PRAYER FOR RELIEF

Wherefore, Amazon prays that the Court enter judgment in its favor and against Plaintiff as follows:

1. That Plaintiff takes nothing by way of his Complaint; that the Complaint be dismissed with prejudice and that judgment be rendered in favor of Amazon;
2. That Amazon be awarded its costs including reasonable attorneys' fees incurred herein pursuant to 17 U.S.C. § 505 and any other applicable statute or rule; and
3. For such other and further relief the Court deems just and proper.

DEMAND FOR JURY TRIAL

4. Amazon demands a jury trial of all issues and claims so triable.

Dated: July 31, 2014

By:/s/ Nathan B. Webb

Nathan B. Webb (0084506)
nwebb@hahnlaw.com
R. Eric Gaum (0066573)
regauam@hahnlaw.com
HAHN LOESER & PARKS LLP
200 Public Square
Suite 2800
Cleveland, Ohio 44114
(216) 621- 0150

Deepak Gupta
dgupta@fbm.com
California State Bar No.: 226991
Farella Braun + Martel
235 Montgomery St., Fl. 17
San Francisco, California 94104
Direct: 415-954-4491
Fax: 415-954-4480

Attorneys for Amazon.com, Inc.

CERTIFICATE OF SERVICE

I certify that the foregoing was served via the Court's electronic filing system this 31st day of July 2014.

/s/ Nathan B. Webb

Attorneys for Amazon.com, Inc.